



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**
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W. Simone Nicholson
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December 8, 2023

VIA ECF

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York NY 10007

MEMO ENDORSED

Re: *M.K., et al. v. N.Y.C. Dep't of Educ., et al.*, 23-cv-9388 (KPF)(KHP)

Dear Judge Failla:

I am Special Assistant Corporation Counsel in the office of Corporation Counsel, the Honorable Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced matter. In this action, Plaintiff seeks only attorneys' fees, costs, and expenses, for legal work performed in preparation for and during administrative hearings held under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq. ("IDEA"), as well as for the instant action under 20 U.S.C. § 1415(i)(3)(B).

I write to respectfully request, *nunc pro tunc*, a 90-day extension of Defendants' time to respond to the Complaint, from November 30, 2023, to February 28, 2024. This is Defendants' first extension request, and Plaintiffs consent. I apologize for the delay in filing this request and for any inconvenience it may cause the Court.

The extension will give Defendants' counsel time to complete the City's internal review process which typically takes about 90 days. Defendants will review the relevant billing invoices, together with the underlying administrative record, and hopefully resolve this matter without requiring the Court's assistance.

Defendants also respectfully request an adjournment *sine die* of the telephonic Initial Pretrial Conference Your Honor has scheduled for January 26, 2024 (ECF 5). This office has settled nearly all the dozens of similar IDEA fees-only cases commenced by the Hyman firm in recent years often without the need to attend conferences or engage in motion practice. Rather, Defendants propose the submission of a joint letter in 60 days providing the court with a status update.

Accordingly, Defendants respectfully request that its time to respond to the Complaint be extended to February 28, 2024, that the Initial Pretrial Conference scheduled for January 26, 2024, be adjourned *sine die*, and that a joint status letter be due by January 29, 2024.

The parties thank the Court for considering this submission.

Respectfully submitted,

s/ W. Simone Nicholson
W. Simone Nicholson
Special Assistant Corporation Counsel

cc: Erin O'Connor, Of Counsel, The Law Office of Elisa Hyman
Laura Dawn Barbieri, The Law Office of Laura D. Barbieri, PLLC
Counsel for Plaintiffs (via ECF)

Application GRANTED. The deadline for Defendants to answer or otherwise respond to the complaint is hereby ADJOURNED *nunc pro tunc* to **February 28, 2024**, and the Initial Pretrial Conference ("IPTC") currently scheduled for January 26, 2024, is hereby ADJOURNED *sine die*. The parties are ORDERED to file a joint status letter on or before **January 29, 2024**.

The Clerk of the Court is directed to terminate the pending motion at docket number 8.

Dated: December 11, 2023 SO ORDERED.
New York, New York

Katherine Path Failes

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE